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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/28/2001

Anthony David Smith

Q65786

9137

7590

01/25/2005

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EXAMINER

QUIETT, CARRAMAH J

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/890,868		SMITH ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Carramah J. Quiett		2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations in claims 9 and 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

Art Unit: 2612

and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because, *in figures 1 – 4, only reference numerals are provided. Please provide labels for each reference numeral.* Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-3, 5, 7, and 12-13** are rejected under 35 U.S.C. 102(b) as being anticipated by Glatt (U.S. Pat. #5,926,209).

For **claim 1**, Glatt discloses a data capture device (ref. 240) in figure 4, which includes a data capture means (ref. 242/246), and a data output (ref. 250), characterized in that the data capture device includes processing means (refs. 246) that to process the capture data into a format suitable for communication through the data output (col. 7, lines 1-13), and the capture device is a peripheral device for use in a monitoring system (col. 5, line 63 – col. 6, line 10; col. 7, lines 1-2), and the data is processed into a format suitable for communication to another component (communications network, ref. 280) in the monitoring system through the data output (col. 7, lines 1-37), the data capture device includes a memory device (refs. 266 and 270) capable of recording selected data (col. 7, line 38 – col. 8, line 19), and the data capture device is capable of communicating only selected data (fig. 4, ref. 280; col. 7, line 59 – col. 8, line 8) and the data capture device includes the feature of alarm and event monitoring (col. 7, line 59 – col. 8, line 8). The alarm of Glatt's data capture device can trigger the memory, the storage unit, and the communication network to record and transmit data when motion is detected.

For **claim 2**, Glatt further discloses a data capture device in which processing means for compress the data captured (col. 7, lines 1-12).

For **claim 3**, Glatt further discloses a data capture device wherein a data capture device is a digital video camera (col. 2, lines 31-55; col. 5, line 63 – col. 6, line 2).

For **claim 5**, Glatt further discloses a data capture device, which includes the ability to detect motion (col. 7, lines 59 – col. 8, line 8).

For **claim 7**, Glatt further discloses a data capture device, which includes means to track objects record the path of movement through the field of view (col. 3, line 66 – col. 4, line 11; col. 4, lines 51-67).

**Claim 12** is a method claim corresponding to the apparatus in claim 1. Please read the rejection for claim 1 using Glatt as the prior art.

For **claim 13**, Glatt further discloses a data capture device a monitoring system (fig. 4, ref. 210), which includes a data capture device (col. 5, line 63 – col. 6, line 15).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Glatt (U.S. Pat. #5,926,209) in view of Friedman et al. (U.S. Pat. #5,499,294).

For **claim 4**, Glatt does not specifically disclose a data capture device, which adds a watermark to the image captured by the data capture device. In col. 7, lines 38-58, Glatt explains how the captured data can be stored in a FIFO (random access) memory or a VCR. Friedman teaches a digital camera in figure 4 that adds a watermark to the captured image (col. 9, lines 29-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made for Glatt's video surveillance camera to have a watermark feature of Friedman included with the captured image because such information helps an investigator identify and interpret information by what is depicted in the captured image (Friedman, col. 9, lines 35-37).

10. **Claims 6 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Glatt (U.S. Pat. #5,926,209) in view of Seely et al. (U.S. Pat. #6,097,429).

For **claim 6**, Glatt does not further disclose a data capture device, which includes means to distinguish over false detection of motion. However, Glatt discloses an alarm device interface controlled by a microcomputer with different types of alarms (col. 7, lines 65-67). In the same field of endeavor, Seely discloses an image processor that eliminates false alarms using object recognition and classification section (col. 5, lines 50-58; col. 10, line 61 – col. 11, line 6). Although Seely's processing means is apart of the site control unit, it is well known in the art to provide a digital camera with object recognition processing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Glatt's alarms with a means to distinguish over false detection of motion, as taught in Seely, so that the surveillance camera can detect the accurate indications of human intrusion (Seely, col. 5, lines 19-34).

Art Unit: 2612

*teach a*

For **claim 11**, Glatt does not <sup>teach a</sup> data capture device, which is a digital audio device. However, Glatt discloses an alarm device interface controlled by a microcomputer with different types of alarms (col. 7, lines 65-67). Seely, on the other hand, discloses a processor, which processes audio data transmitted from a microphone or a speaker. It is well known in the art for a processor to process digital capture data. Please see figure 7, refs. 52-54 and read col. 13, line 60 – col. 14, line 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Glatt's alarms with digital audio device <sup>, as taught in Seely,</sup> so that the surveillance camera can detect the accurate indications of human intrusion (Seely, col. 5, lines 19-34).

11. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Glatt (U.S. Pat. #5,926,209) in view of Glatt (U.S. Pat. 6,724,421).

For **claim 8**, Glatt (U.S. Pat. #5,926,209) does not further disclose a data capture device, which includes infrared motion detection. However, Glatt discloses a motion detector and an alarm device interface controlled by a microcomputer with different types of alarms (col. 7, lines 59-67). In an earlier U.S. Patent of Glatt (U.S. Pat. 6,724,421), he teaches that a data capture device can include an infrared function to detect the location of an object (col. 4, lines 44-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an infrared motion detector on Glatt's video surveillance camera so that the imager can be sensitive to specific frequencies of radiation admitted by an object (Glatt, U.S. Pat. 6,724,421, col. 4, lines 44-47).



12. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Glatt (U.S. Pat. #5,926,209) in view of Baker et al. (U.S. Pat. #6,693,666).

For **claim 9**, Glatt does not further disclose a data capture device, which includes a wide angled lens and an image capture assembly fitted internally at approximately 45 degrees. In col. 2, lines 46-63, Glatt initially discusses the camera lens and the pan/tilt/zoom unit. Baker, on the other hand, teaches a method for automated object tracking and automated broad field coverage using a camera having a wide-angle large-coverage (45 degree or larger field of view) lens (col. 6, lines 25-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place a lens on Glatt's camera with a 45 degree field of view to provide high resolution broad field coverage over a wide range of subject distances (Baker, col. 2, lines 50-67).

13. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Glatt (U.S. Pat. #5,926,209) in view of Yap et al. (U.S. Pat. #6,320,608).

For **claim 10**, Glatt does not further disclose a data capture device characterized in that the camera can be fixed into position by pushing and rotating the camera until it locks onto a mounting bracket which has electrical connections that connect to the camera once mounted. Instead, Glatt teaches that the camera unit of his invention is included in a self-contained dome (col. 2, lines 62-65). Yap discloses a video surveillance camera dome (col. 3, lines 39-50) where Sensormatic Electronics Corporation is the assignee. In col. 7, lines 14-63, Yap teaches the mounting procedure of the dome where the camera can be fixed into position by pushing and rotating the camera until it locks onto a mounting bracket which has electrical connections that

Art Unit: 2612

connect to the camera once mounted – also read col. 4, lines 31-34. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mount the video camera of Glatt using the methods of Yap in order to simplify the installation and removal of camera domes (Yap, col. 1, lines 56-57).

### *Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ely (U.S. Pat. #5,982,418) discloses a dome shaped video surveillance camera apart of a surveillance system, which performs digital processing, compression, and stores selected data in a memory buffer.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (703) 305-0566. The examiner can normally be reached on 8:00-5:00 M-F. Beginning March 2005, the examiner's telephone number will be changed to (571) 272-7316.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.J.Q.  
Jan. 24, 2005



NGOC-YEN VU  
PRIMARY EXAMINER